

ESTTA Tracking number: **ESTTA506546**

Filing date: **11/19/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203872
Party	Defendant Nice Bowtie LLC
Correspondence Address	JOHN E RUSSELL ESQ ALLMARK TRADEMARK 2089 AVY AVENUE MENLO PARK, CA 94025 UNITED STATES john@allmarktrademark.com
Submission	Request to Withdraw as Attorney
Filer's Name	John E. Russell
Filer's e-mail	john@allmarktrademark.com, tom@allmarktrademark.com, allmarktrademark@gmail.com
Signature	/john e. russell/
Date	11/19/2012
Attachments	Withdrawal for SIZZLE PIE opposition signed for filing.pdf ( 3 pages )(79326 bytes ) Exhibit A to withdrawal of attorney for John E Russell.pdf ( 1 page )(31606 bytes ) Certificate of service for sizzle pie motion to withdraw.pdf ( 1 page )(111512 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re application serial no. 85376771

Filed on Jul 20, 2011

Sizzler USA Franchise, Inc.	)	
	)	
Opposer,	)	
	)	Opposition No. 91203872
v.	)	
	)	
Nice Bowtie LLC	)	
	)	
	)	
Applicant.	)	

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Trademark Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MANDATORY WITHDRAWAL OF ATTORNEY OF RECORD (37 CFR §10.40, TBMP  
§116.02)**

I, John E. Russell, Esq. of Allmark Trademark hereby declare that I am the current attorney of record for Applicant in the above captioned opposition. A duly authorized member of Applicant, Nice Bowtie LLC, has indicated that it has discharged me from the case and appointed a new law firm to represent it in this litigation. As such, I hereby request that the TTAB's records be updated to reference the contact information of the new counsel of record which is as follows.... (Applicant has attached as Exhibit A, a letter from the new counsel confirming that they are subbing in as counsel on this case.)

//////

Slinde Nelson Stanford

Attn: Benjamin C. Stoller

1740 US Bancorp Tower

111 SW Fifth Ave.

Portland, OR 97204

Phone: (503)417-7777

Fax: (503)417-4250

Email: Ben@slindenelson.com

Under TBMP §116.02(b)(4), this is a mandatory withdrawal of the current attorney of record given that I have been discharged by the client. I hereby confirm that I have taken reasonable steps to avoid foreseeable prejudice to the client including informing the new counsel of record of upcoming deadlines on multiple occasions. Proper notice to the client is not applicable in this case given that it was the client who contacted me to discharge me from the representation. Furthermore, I have delivered the contents of the file to the client and there are no current bills outstanding or unearned fees held in trust that need be returned. Given the foregoing, I hereby respectfully request that I be withdrawn from representation on this matter and that the new counsel, Benjamin C. Stoller be hereby appointed to represent Nice Bowtie LLC going forward in this litigation.

DATED this 19<sup>th</sup> day of November, 2012.

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Respectfully submitted,

By: \_\_\_\_\_

  
John E. Russell, Esq.  
Former attorney for Applicant Nice Bowtie LLC

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PHIL J. NELSON  
phil@slindenelson.com

November 19, 2012

*Via Email*

Mr. John E. Russell  
Allmark Trademark  
2089 Avy Avenue  
Menlo Park, CA 94025

Re: *Sizzler USA Franchise, Inc. v. Nice Bowtie LLC*  
U.S. Trademark Trial and Appeal Board Proceeding No. 91203872

Dear Mr. Russell:

This is to confirm that this firm has taken over representation of Sizzle Pie in the above matter. We have associated with another Portland attorney, Mike Heilbronner. His contact information is:

Mike Heilbronner  
IdeaLegal  
1631 NE Broadway, No. 443  
Portland, OR 97232  
Tel: 503.449.9084  
Fax: 503.914.0301  
mheilbronner@idealegal.com

Sincerely,

Phil J. Nelson

PJN:tam

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **MANDATORY WITHDRAWAL OF ATTORNEY OF RECORD (37 CFR §10.40, TBMP §116.02)** was served on the Opposer, Applicant and Applicant's new counsel of record by first class U.S. mail postage prepaid to the addresses referenced below...

Slinde Nelson Stanford

Attn: Benjamin C. Stoller

1740 US Bancorp Tower

111 SW Fifth Ave.

Portland, OR 97204

Jeffer Mangels Butler & Mitchell, LLC

Attn: Rod S. Berman, Esq.

1900 Avenue of the Stars, 7<sup>th</sup> Floor

Los Angeles, CA 90067

Nice Bowtie LLC

Attn: Matthew Jacobson

3439 NE Sandy Blvd., #279

Portland, OR 97232

(With courtesy copy to associated counsel....)

IdeaLegal

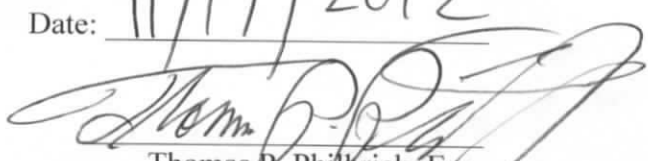
Attn: Mike Heilbronner

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Date:

11/19/2012  
  
Thomas P. Philbrick, Esq.